

EXHIBIT E

1 Q. How many GN machines did MMU sell
2 between 2000 and 2007?

3 A. For exact number I have to
4 investigate.

5 Q. Can you give me an estimate sitting
6 here today?

7 A. You mean year 2000 to 2007?

8 Q. Correct.

9 A. About twenty. But I am not sure.

10 Q. Approximately how many units total
11 were sold between 2000 and 2007 by MMU?

12 MR. MANZO: Object to form.

13 BY THE WITNESS:

14 A. You mean the machines that our
15 company sold between the years 2000 and 2007?

16 BY MR. BAKER:

17 Q. Correct.

18 A. For exact number I would have to look
19 at documents. I believe it was somewhere around
20 1500 units. I believe fewer than 1500 units.

21 Q. And you said earlier I think MTV --
22 not MTB as in boy but MTV as in volcano?

23 A. V as in victory.

24 Q. Sticking with GN again, do you have an

1 idea of how many GN machines were sold in the year
2 2000?

3 A. I cannot recall right now.

4 Q. How about 2001?

5 A. As I said before, I have heard exact
6 numbers, numbers of units sold in individual
7 years. I would have to look into -- read the
8 documents so I cannot tell you exactly.

9 Q. That is why I am asking for
10 approximations, Mr. Minemura. So approximately
11 how many GN units were sold by MMU in the year
12 2001?

13 A. Simply put, as I said the total of
14 twenty units -- approximately twenty units were
15 sold. So if you just simply divide this number
16 twenty by six, that is about the estimate.

17 Q. So it is your testimony that an equal
18 number of GN units were sold in each of the years
19 between 2000 and 2007?

20 MR. MANZO: Object to the form and object
21 to the scope of this line of questioning not
22 being identified in the 30(b)(6) notice.

23 MR. BAKER: Are you suggesting that this
24 isn't relevant to the use of the triangle mark?

1 MR. MANZO: I am just saying that it is not
2 listed on your exhibit.

3 MR. BAKER: Are you saying that use of the
4 marks is not listed?

5 MR. MANZO: No, I am not saying that.

6 MR. BAKER: Good. Then your objection is
7 noted and we can move on because obviously that
8 is what we are talking about.

9 BY THE WITNESS:

10 A. That is not what I meant.

11 BY MR. BAKER:

12 Q. What did you mean?

13 A. You mean about what?

14 Q. About how many GN units were sold in
15 each of those years?

16 A. Because I was asked to guess, I
17 simply suggested that you divide number twenty by
18 number of years in question. But that does not
19 mean that I believe equal number of units were
20 sold in each of those years.

21 Q. And just to be clear, you were asked
22 to approximate and not to guess. What I am now
23 asking you is now starting with the most recent
24 year 2007, how many GN units were sold bearing the

1 triangle logo?

2 MR. MANZO: Objection, form.

3 BY THE WITNESS:

4 A. As far as I know, at least one unit
5 was sold. It was at least one sale.

6 BY MR. BAKER:

7 Q. How about 2006?

8 A. Right now I can't recall.

9 Q. 2005?

10 A. As I said before, I cannot recall the
11 exact number of units sold in each of those
12 years.

13 Q. So sitting here today, you are not
14 prepared to testify about the use of the triangle
15 mark on the GN machines during each of those
16 years, is that accurate?

17 MR. MANZO: Object to the characterization,
18 object to the scope of the question.

19 THE INTERPRETER: Could you reread the
20 question.

21 (THE QUESTION WAS READ.)

22 MS. LEWIS: Excuse me. Not prepared?

23 (THE QUESTION WAS RETRANSLATED.)

24

1 BY THE WITNESS:

2 A. If you understand what my statement
3 is that I cannot give you an exact number, that
4 is correct.

5 BY MR. BAKER:

6 Q. Didn't MMU recreate the triangle
7 trademark in the year 2000?

8 A. What do you mean by recreate?

9 Q. What do you understand by the word
10 recreate?

11 A. My interpretation of the word
12 recreating is either to create a completely new
13 logo or modify an consisting one.

14 Q. Using your definition, isn't it true
15 that in 2007 MMU recreated the triangle logo?

16 A. Not as far as I know. I don't
17 believe it was recreated.

18 Q. So you are not aware of MMU asking a
19 company called Boost Advertising, Inc., of
20 Wheaton, Illinois to recreate the triangle logo in
21 2007?

22 A. Not in my recollection.

23 Q. So if Boost Advertising, Inc., stated
24 that it recreated the triangle mark in 2007,

EXHIBIT F

~COMBINED DECLARATION OF USE IN COMMERCE/APPLICATION FOR RENEWAL... Page 1 of 2

**~COMBINED DECLARATION OF USE IN COMMERCE/APPLICATION FOR
RENEWAL OF REGISTRATION OF MARK UNDER §§ 8 & 9~**

The table below presents the data as entered.

Input Field	Entered
MARK	M MIYANO
REGISTRATION NUMBER	1217317
SERIAL NUMBER	73328921
REGISTRATION DATE	11/23/1982
NAME	MIYANO MACHINERY INC.
STREET	940 North Central Avenue
CITY	Wood Dale
STATE	IL
COUNTRY	USA
ZIP/POSTAL CODE	60191
E-MAIL ADDRESS	gkobayashi@masudafunai.com
ALL GOODS AND/OR SERVICES IN EXISTING REGISTRATION	Yes
NAME	George H. Kobayashi
STREET	One East Wacker Drive, Suite 3200
CITY	Chicago
STATE	IL
COUNTRY	USA
ZIP/POSTAL CODE	60601-2002
E-MAIL ADDRESS	gkobayashi@masudafunai.com
FIRM NAME	Masuda, Funai, Eifert & Mitchell, Ltd.
TELEPHONE NUMBER	312-245-7500
FAX NUMBER	312-245-7467
ATTORNEY DOCKET NUMBER	2260-39F

MMU0000144

~COMBINED DECLARATION OF USE IN COMMERCE/APPLICATION FOR RENEWAL... Page 2 of 2

OTHER APPOINTED ATTORNEY(S)	Nancy E. Sasamoto
COMBINED SECTIONS 8 & 9 FILING FEE AMOUNT	500
NUMBER OF CLASSES	1
TOTAL FEES PAID	500
NUMBER OF CLASSES	1
INTERNATIONAL CLASS NUMBER	007
SPECIMEN	Yes
SPECIMEN DESCRIPTION	Scanned image of mark and design as used on goods in commerce.
E-MAIL ADDRESS FOR CORRESPONDENCE	gkobayashi@masudafunai.com
SIGNATURE	/George H. Kobayashi/
DATE	11/05/2002
NAME	George H. Kobayashi
TITLE	Attorney at Law
RAM SALE NUMBER	182
RAM ACCOUNTING DATE	20021106
INTERNET TRANSMISSION DATE	Tuesday, 11-05-2002 16:22:39 EST
TEAS STAMP	USPTO/S08N09-2061658524-20021105162214394-1217317-12491acf3217382d83e887484435a19bd28-RAM-182-20021105161914394

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~COMBINED DECLARATION OF USE IN COMMERCE/APPLICATION FOR RENE... Page 1 of 2

PTO Form 1963 (Rev 4/2000)
OMR Control #0351-0009 (Exp. 06/31/2004)**~COMBINED DECLARATION OF USE IN COMMERCE/APPLICATION FOR
RENEWAL OF REGISTRATION OF MARK UNDER §&sePTO Form 1963 (Rev
4/2000)***** To the Commissioner for Trademarks ***<DOCUMENT INFORMATION>
<COMBINED SECTIONS 8 & 9 DECLARATION/APPLICATION>
<VERSION 1.24>

<TRADEMARK/SERVICEMARK INFORMATION>

<MARK> M MIYANO
<REGISTRATION NUMBER> 1217317
<SERIAL NUMBER> 73328921
<REGISTRATION DATE> 11/23/1982

<OWNER INFORMATION>

<NAME> MIYANO MACHINERY INC.
<STREET> 940 North Central Avenue
<CITY> Wood Dale
<STATE> IL
<COUNTRY> USA
<ZIP/POSTAL CODE> 60191
<E-MAIL ADDRESS> gkobayashi@masudafunai.com

<GOODS AND SERVICES INFORMATION>

<ALL GOODS AND/OR SERVICES IN EXISTING REGISTRATION> Yes
~ The owner is using or is using through a related company the mark in commerce on or in
connection with all the goods/services listed in the existing registration. ~

<ATTORNEY INFORMATION>

<NAME> George H. Kobayashi
<STREET> One East Wacker Drive, Suite 3200
<CITY> Chicago
<STATE> IL
<COUNTRY> USA
<ZIP/POSTAL CODE> 60601-2002
<E-MAIL ADDRESS> gkobayashi@masudafunai.com
<FIRM NAME> Masuda, Funai, Eifert & Mitchell, Ltd.
<TELEPHONE NUMBER> 312-245-7500
<FAX NUMBER> 312-245-7467
<ATTORNEY DOCKET NUMBER> 2260-39F
<OTHER APPOINTED ATTORNEY(S)> Nancy E. Sasamoto

11/05/2002 INTERS 00000162 1217317

01 FC17205

100.00 OP

02 FC17201

400.00 OP

<FEE INFORMATION>

<COMBINED SECTIONS 8 & 9 FILING FEE AMOUNT> 500
<NUMBER OF CLASSES> 1
<TOTAL FEES PAID> 500

MMU0000146

~COMBINED DECLARATION OF USE IN COMMERCE/APPLICATION FOR RENE... Page 2 of 2

<NUMBER OF CLASSES> 1

<USE INFORMATION>

<INTERNATIONAL CLASS NUMBER> 007

<SPECIMEN> Yes

<SPECIMEN DESCRIPTION> Scanned image of mark and design as used on goods in commerce.

<LAW OFFICE INFORMATION>

<E-MAIL ADDRESS FOR CORRESPONDENCE> gkobayashi@masudafunai.com

~ The USPTO is authorized to communicate with the applicant's attorney at the above e-mail address ~

<SIGNATURE AND OTHER INFORMATION>

~ Declaration: The owner is using or is using through a related company the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce. ~

~ The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true. ~

~ Declaration: The registrant requests that the registration be renewed for the goods and/or services identified above. ~

<SIGNATURE> /George H. Kobayashi/

<DATE> 11/05/2002

<NAME> George H. Kobayashi

<TITLE> Attorney at Law

<RAM INFORMATION>

<RAM SALE NUMBER> 182

<RAM ACCOUNTING DATE> 20021106

<INTERNET TRANSMISSION DATE> Tuesday, 11-05-2002 16:22:39 EST

<TEAS STAMP> USPTO/S08N09-2061658524-20021105162214394-1217317-12491acE3217382d83e887484435a19bd28-RAM-182-20021105161914394

The information collected on this form allows the USPTO to determine whether a mark may be registered on the Principal or Supplemental register, and provides notice of an applicant's claim of ownership of the mark. Responses to the request for information are required to obtain the benefit of a registration on the Principal or Supplemental register. 15 U.S.C. §§1051 et seq. and 37 C.F.R. Part 2. All information collected will be made public. Gathering and providing this information will require an estimated 13 minutes (depending if the application is based on an intent to use the mark in commerce, use of the mark in commerce, or a foreign application or registration). Please direct comments on the time needed to complete this form, and/or suggestions for reducing this burden to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington D.C. 20231. Please note that the PTO may not conduct or sponsor a collection of information using a form that does not display a valid OMB control number.

MMU0000147

SPECIMEN

Internet Transmission Date:
11052002

Class Number:
007

Registration Number:
1217317

Serial Number:
73328921

73328921



MMU0000148

EXHIBIT G

commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/ services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/ her own knowledge are true; and that all statements made on information and belief are believed to be true.

The specimen submitted with the application and declaration is pictured below:



At the request of the Patent and Trademark Office, a second declaration was submitted with this service mark application. The specimen submitted with this second declaration is pictured below:

